

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DAVID STEBBINS

APPELLANT

VS.

CASE NO. 12-35082

MICROSOFT, INC.

APPELLEE

MOTION TO CLARIFY ORDER

Comes now, *pro se* Plaintiff, who respectfully submits the following motion to clarify the order in the above-captioned case dated April 9, 2012.

First, the order states that it is vacated the “June 30, 2009 order.” There *was* no order dated June 30, 2009; this case was not even *opened* on June 30, 2009. The case was not even in the *district court* on June 30, 2009. Apparently, the court made a mistake in the date. I find it most likely that the Court actually meant to vacate the *March 20, 2012* order. If this is the case, I humbly ask that the Court promptly correct this mistake.

Secondly, the order stated that “[t]he January 27, 2012 briefing schedule shall remain in effect.” What does this mean? Has the motion dated March 12, 2012 for leave to file a supplementary briefing been denied? Please clarify what you mean because, as the Supreme Court has held, something with the force of law that is written “in terms so vague that men of common intelligence must guess at its meaning and differ as to its application lacks the first essential of due process of law.” See *Connally v. General Construction Co.*, 269 U.S. 385 (1926).



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CERTIFICATE OF SERVICE

Defense counsel has been served with this document by allowing them to view it on ECF.

A handwritten signature in cursive script, reading "David Stebbins", is displayed within a light gray rectangular box.

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